

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2008 MAY 14 P 12:32

**WILLIE JAMES CLEMMONS, JR.,**

**Plaintiff,**

**vs.**

**HERBIE JOHNSON, et al.,**

**Defendants.**

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**CIVIL ACTION NO. 2:08-CV-243.WHA**

**ANSWER TO COMPLAINT**


COMES NOW the Defendants, HERBIE JOHNSON, MARY MATTHEWS and LYN NEWCOMB, by and through counsel, and for Answer to Complaint would state and aver as follows:

- I. Admits.
- II. Admits.
- III. Admit.
- IV. Denies and would state that he is currently out on bond.
- V. Denies the allegations in Paragraph V and would demand strict proof thereof.
- VI. Denies the allegations in Paragraph VI and would demand strict proof thereof.

FOR FURTHER ANSWER,

1. Defendants deny the allegations made against them by the Plaintiff as said allegations are untrue and completely without basis in law or fact.
2. Defendants deny that they acted, or caused anyone to act, in such a manner as to deprive the Plaintiff of any right to which he was entitled.
3. The Plaintiff's Complaint fails to state a claim upon which relief can be granted.

4. The Defendants raise the defenses of Eleventh Amendment immunity, qualified immunity, failure to exhaust procedures and the Plaintiff's failure to comply with the Prison Litigation Reform Act.
5. The Defendants reserve the right to add additional defenses if any further pleading is required or allowed by the law.

  
J. ROBERT FAULK (FAU002)  
Attorney for Defendants

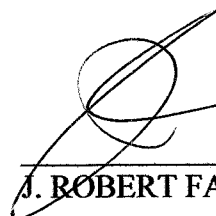
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CERTIFICATE OF SERVICE

I hereby certify that I have on this the 14<sup>th</sup> day of May, 2008 served a copy of the foregoing on Willie James Clemmons, Jr. by placing a copy of same in the U. S. Mail, postage prepaid and properly addressed as follows:

Willie James Clemmons, Jr.  
1417 County Road 161  
Marbury, AL 36051

Wayne P. Turner, Esq.  
1505 Madison Avenue  
Montgomery, AL 36107

  
J. ROBERT FAULK